

Notice of Allowability

Application No.

09/868,805

Examiner

William P. Fletcher III

Applicant(s)

CASPER, JAMES WILLIAM

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and response filed 17 December 2004.
2. ☒ The allowed claim(s) is/are 1-15 and 25-27.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

WPF 1/27/2005
William Phillip Fletcher III
Patent Examiner, USPTO
Group Art Unit 1762

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's amendment and response filed 17 December 2004 is acknowledged. To clarify the record at this point in the prosecution, claims 1-15 and 25-27 are pending.

Response to Arguments

2. Applicant's arguments filed in the above-mentioned response, with respect to the rejections under 35 U.S.C. § 103(a), have been fully considered and are persuasive. The references of record neither teach nor suggest a water-in-oil emulsion that is, itself, dispersed in an aqueous medium. Consequently, these rejections have been withdrawn.

Allowable Subject Matter

3. Claims 1-15 and 25-27 are allowed.

4. The following is an examiner's statement of reasons for allowance: As noted above, the references previously made of record neither teach nor suggest the claimed water-in-oil-in-water emulsion. An updated search of the prior art yielded WO 99/07463 A1 (US 6,627,603 B1 is the English-language equivalent). This reference teaches a water-in-oil-in-water emulsion that may contain colorant in the first aqueous phase and that may be utilized as a coating composition. While this reference represents the closest prior art to applicant's claims, as-amended, it neither teaches nor suggests that the oil phase is a 'solution in an organic solvent of a polymer having functional groups and hydrophilic groups.' Rather, the oil phase is just that: animal, vegetable, or mineral oil. Further, it neither teaches nor suggests that the colorant-containing first aqueous

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phase comprises a pigment dispersed in water in the presence of a pigment dispersant. Consequently, the claims are allowable over this reference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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William P. Fletcher III
Examiner
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SHRIVE P. BECK

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1700 0509-4/CTNA